



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
March 18, 2004

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COMMISSION PROPOSES STATUTORY MAXIMUM FORFEITURE OF \$27,500 AGAINST INFINITY FOR APPARENT INDECENCY VIOLATION

Washington, D.C. – The Federal Communications Commission today issued a Notice of Apparent Liability for Forfeiture against Infinity Broadcasting Operations, Inc. for apparently willfully broadcasting indecent material in connection with “The Howard Stern Show” on WKRK-FM, Detroit, Michigan. The Commission proposed the statutory maximum forfeiture of \$27,500 for the broadcast.

The Commission based this action on the results of its investigation triggered by a complaint concerning material in which the show’s cast discussed sexual practices and techniques. Specifically, the Commission found that the broadcast included explicit and graphic sexual and excretory references. In addition, the Commission found that this material was lewd and vulgar, and that it appeared to have been used to pander, titillate and shock. Thus, the Commission concluded that the material apparently met the indecency standard and warranted sanction.

The Commission proposed a forfeiture for the maximum statutory amount due to Infinity’s recent history of the airing of indecent broadcasts.

Action by the Commission on March 8, 2004 by Notice of Apparent Liability, (FCC 04-49). Chairman Powell; Commissioner Abernathy; Commissioner Adelstein issuing a statement. Commissioner Copps dissenting and issuing a statement. Commissioner Martin concurring and issuing a statement;

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